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ACTION ACDA-19

INFO OCT-01 EUR-20 IO-13 AEC-11 AF-12 ARA-12 CIAE-00
DODE-00 EA-15 PM-05 H-02 INR-08 L-04 NASA-04 NEA-13
NSAE-00 NSC-10 OST-01 P-03 PRS-01 RSC-01 SCI-06 SS-20
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FM USMISSION GENEVA
TO SECSTATE WASHDC PRIORITY 8901
INFO AMEMBASSY LONDON
AMEMBASSY MOSCOW
USMISSION NATO
USUN NEW YORK 5165
USDEL SALT

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SUBJECT: CCD - SOCIALIST BW DRAFT CONVENTION - MEETING WITH SOVDEL

1. SUMMARY: IN INFORMAL MEETING WITH SOVDEL APRIL 5 LEONARD AND US DEL WELCOMED SOCIALIST BW CONVENTION AS SERIOUS BASIS FOR NEGOTIATIONS. QUESTIONED ON TEXT OF SOCIALIST DRAFT, ROSCHIN SAID PROHIBITIONS IN ART I AND PROVISIONS FOR DESTRUCTION IN ART II WERE MEANT TO APPLY BOTH TO WEAPONS AND TO AGENTS AND TOXINS. SOVIETS SAID ART IV, WHICH HAD BEEN INCLUDED TO GIVE GREATER GUARANTEES AGAINST VIOLATIONS, WAS SIMILAR TO LINE US HAD TAKEN IN STATEMENT ON NPT (THOUGH NOT IN TREATY TEXT SEE FOSTER SPEECH ENDC/PV.370). PROVISION FOR REVIEW CONFERENCE IN ART XII WOULD ASSURE THAT PROBLEM OF CW NOT BEING SHELVED. THIS ARTICLE WAS "JURIDICALLY AND POLITICALLY" IMPORTANT. ON PROCEDURAL QUESTION, LEONARD INDICATED US AND ALLIES WOULD ATTEMPT TO HAVE COMMENTS ON SOV TEXT BY END APRIL. US HOPED SOVS WOULD RESPOND ASAP SO BY BEGINNING JULY WE COULD TABLE AGREED DRAFT TREATY. END SUMMARY.

2. LEONARD AND US DELOFFS CALLED ON SOVDEL APRIL 5 TO REQUEST

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CLARIFICATION OF POINTS IN TEXT OF SOCIALIST BW DRAFT CONVENTION. LEONARD TOLD ROSHCHIN USDEL HAD NOT YET RECEIVED INSTRUCTIONS FROM WASHINGTON BUT NOTED STATE DEP SPOKESMAN HAD WELCOMED SOCIALIST TEXT AS "SERIOUS DOCUMENT" THAT SHOULD FACILITATE NEGOTIATIONS. TURNING TO TEXT OF SOCIALIST DRAFT, LEONARD RAISED SEVERAL QUESTIONS:

-- PREAMBULAR PARAS 1 AND 2. LEONARD QUESTIONED REFERENCES TO GCD AND TO "PROHIBITING AND ELIMINATING NUCLEAR, CHEMICAL, BACTERIOLOGICAL" WEAPONS OF MASS DESTRUCTION. ROSHCHIN SAID POINTS HAD BEEN INCLUDED TO MAKE SCOPE OF CONVENTION AS WIDE AS POSSIBLE.

--PREAMBULAR PARA 3. LEONARD ASKED IF INTENT OF SOCIET DRAFT HERE AND ELSEWHERE WAS TO BAN AGENTS AND TOXINS AS WELL AS "WEAPONS". ROSHCHIN REPLIED INTENT WAS TO ELIMINATE AGENTS AND TOXINS AS WELL AS WEAPONS, BOTH IN PREAMBLE AND IN ARTICLES I AND II. DAY (US) SUGGESTED DRAFT COULD BE IMPROVED BY USING SAME TERMS THROUGHOUT TO LEAVE NO DOUBT BOTH WEAPONS AND AGENTS INCLUDED IN PROHIBITIONS.

--PREAMBULAR PARA 10. LEONARD SAID THIS COULD POSE PROBLEM FOR USG IN VIEW OF FACT WE HAD VOTED AGAINST 2603A AT TWENTY-FOURTH UNGA, THOUGH FACT THAT 2603A NOT LISTED, AS IT HAD BEEN IN SOCIALIST CBW DRAFT, WAS SOME IMPROVEMENT. SOVDEL SIMPLY TOOK NOTE.

3. BEFORE TAKING UP OPERATIVE ARTICLES OF SOCIALIST DRAFT CONVENTION, LEONARD POINTED OUT ARTICLE I OF UK CONVENTION INCLUDED USEFUL DEFINITION OF "MICROBIAL OR OTHER BIOLOGICAL AGENTS OR TOXINS CAUSING DEATH, DAMAGE OR DISEASE TO MAN, OTHER ANIMALS, OR CROPS" (US WOULD PREFER PLANTS TO CROPS), AND SAID USSR MIGHT GIVE CONSIDERATION TO SUCH A DEFINITION.

4. USDEL RECEIVED FOLLOWING CLARIFICATION OF OPERATIVE ARTICLES OF SOCIALIST CONVENTION:

--ARTICLE I. ASKED IF WORD DEVELOPMENT IN SOCIALIST TEXT INCLUDED CONCEPT OF RESEARCH, ROSHCHIN REPLIED "YES, ABSOLUTELY". SOVDEL TOOK NOTE OF LEONARD'S EXPLANATION WORD MICROBIAL IN UK TEXT HAD A BROADER AND SLIGHTLY DIFFERENT MEANING THAN MICROBIOLOGICAL. SOVIETS SAID TERM FOR MEANS OF DELIVERY AND VECTOR SAME IN RUSSIAN AND APPEARED NOT TO CARE WHICH WORD USED IN ENGLISH.

--ARTICLE II. LEONARD THANKED ROSHCHIN FOR CLARIFYING THAT AGENTS

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AND TOXINS WERE ALSO TO BE DESTROYED. IT WAS US EXPERIENCE THAT IT TOOK LONGER THAN THREE MONTHS TO DESTROY STOCKPILES OF BW. ROSHCIN RESPONDED THIS NO PROBLEM SINCE BETWEEN SIGNATURE AND RATIFICATION ANY STATE WOULD HAVE TIME TO ARRANGE FOR DESTRUCTION OF STOCKPILES.

--ARTICLE IV. ROSHCIN SAID ART IV INTENDED TO STRENGTHEN OBLIGATIONS OF PARTIES TO BW CONVENTION AND THUS GIVE GREATER ASSURANCE TO ALL. ALTHOUGH NPT TEXT DID NOT CONTAIN ANALOGOUS ARTICLE, AN UNDERSTANDING ALONG ITS LINES WAS ACCORDING TO ROSHCIN, ACCEPTED IN US SPEECH (SUBSEQUENTLY IDENTIFIED BY SOVDEL AS FOSTER SPEECH FEBRUARY 27, 1968 (ENDC/PV.370)).

--ARTICLE VIII. LEONARD POINTED OUT THAT LAST PART ("...AN INSTRUMENT WHICH EMBODIES GENERALLY RECOGNIZED RULES OF INTERNATIONAL LAW.") WAS DRAWN FROM UNGA RES 2603A (XXIV) WHICH US OPPOSED. IT ALSO RAISED LEGAL QUESTION OF WHAT ARE GENERALLY RECOGNIZED RULES. ROSHCIN REPLIED THAT INTENTION WAS TO STRENGTHEN GENEVA PROTOCOL AND THAT THIS CONCEPT HAD BEEN CITED "MANY TIMES" BESIDES IN 2603A.

--ARTICLE IX. LEONARD NOTED PRESIDENT'S "UNAMBIGUOUS COMMITMENT" ON CW NEGOTIATIONS IN FEB 23 MESSAGE TO CCD AND SAID US WILL BE STUDYING LANGUAGE. NON-ALIGNED WILL LIKELY TRY TO SECURE STRONGEST POSSIBLE CW COMMITMENT IN A BW CONVENTION AND CO-CHAIRMAN SHOULD GUARD AGAINST ANY ATTEMPT TO INCLUDE COMMITMENT, UNACCEPTABLE TO US, ALONG LINES OF MOROCCAN PROPOSAL. SOVIETS RESERVED COMMENT, NOTING ONLY THAT ENGLISH TEXT OF ART IX SHOULD BE CORRECTED SO THAT FINAL SENTENCE READS "... SPECIFICALLY DESIGNED FOR PRODUCTION OR USE OF CHEMICAL WEAPONS AS MEANS OF WARFARE."

-- ART XII. RE REVIEW CONFERENCE, ROSHCIN SAID THIS ARTICLE WAS "JURIDICALLY AND POLITICALLY" IMPORTANT IN OFFERING ADDITIONAL ASSURANCES ON CW.

5. LEONARD REMARKED UPON OMISSION OF PROHIBITION ON USE IN THE SOCIALIST DRAFT AND THE ABSENCE OF A COMPLAINTS PROCEDURE FOR CASE OF USE. HE ALSO NOTED IN THIS CONNECTION THAT SOV DRAFT WAS NOT ACCOMPANIED BY SECURITY COUNCIL RESOLUTION AS HAD BEEN SOCIALIST CBW DRAFT AND UK BW DRAFT. SOVDEL TOOK NOTE OF US COMMENTS.

6. ON PROCEDURAL QUESTION, ROSHCIN EXPRESSED HOPE FOR PROMPT

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US OFFICIAL REACTION TO SOCIALIST DRAFT. LEONARD COMMENTED THAT IF, AS SOVIETS WISHED, BW TREATY TO BE READY BY NEXT UNGA, PROMPT ACTION ALSO NECESSARY FROM SOCIALISTS AND NON-ALIGNED. US AND ALLIED REACTIONS WOULD HOPEFULLY BE AVAILABLE BY END OF CURRENT SESSION (LATE APRIL). SOCIALIST RESPONSE THEN NEEDED ASAP FOR NEGOTIATION OF US-USSR DRAFT BY EARLY JULY. THIS TIMING NECESSARY TO GIVE TIME FOR COMMENT BY NON-ALIGNED, WHO WILL LIKELY NOT HAVE CONCRETE SUGGESTIONS UNTIL GIVEN CO-CHAIRMEN DRAFT, AND FOR PREPARATION OF FINAL DRAFT.

COMMENT: WE HAD CLEAR IMPRESSION SOVIET DELEGATION WAS NOT ABLE TO RESPOND SUBSTANTIVELY TO US POINTS. WE SUSPECT TREATY DRAFT WAS SPRUNG ON THE DELEGATION BY MOSCOW WITHOUT MUCH PREPARATION, AND DELEGATION NOW HAS INADEQUATE GUIDANCE TO CARRY THE BALL ON ITS OWN. WE SHOULD NOT ASSUME THAT RELATIVELY PASSIVE RESPONSE IS INDICATIVE OF GIVE ON SOVIET PART. GP-4.
 RIMESTAD